

MESSAGE NO: 0127301 MESSAGE DATE: 05/07/2010

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 6167205  
MESSAGE #  
(s):

CASE #(s): A-570-891

EFFECTIVE DATE: 08/13/2007 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AMENDED SCOPE RULING ON THE ANTIDUMPING DUTY ORDER ON HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA (CENTRAL PURCHASING'S WELDING CART, ITEM 93851)

1. IN RESPONSE TO AN ADVERSE RULING BY THE UNITED STATES COURT OF INTERNATIONAL TRADE, THE COMMERCE DEPARTMENT ISSUED AN AMENDED FINAL SCOPE RULING ON 08/13/2007, THAT ITEM 93851, A MODEL OF WELDING CART IMPORTED BY CENTRAL PURCHASING, LLC ("CENTRAL PURCHASING") REFERENCED IN MESSAGE 6167205, IS WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-891).
2. BASED ON A REMAND FROM THE COURT OF INTERNATIONAL TRADE IN CASE NUMBER 06-00089, THE COMMERCE DEPARTMENT REDETERMINED THAT CENTRAL PURCHASING'S ITEM 93851 DOES MEET THE DESCRIPTION OF MERCHANDISE INCLUDED IN THE SCOPE OF THE ORDER BECAUSE IT HAS A TOE PLATE THAT SLIDES UNDER A LOAD FOR CARRYING PURPOSES. THE COURT OF INTERNATIONAL TRADE SUSTAINED THE COMMERCE DEPARTMENT'S REDETERMINATION AND ENTERED FINAL JUDGMENT ON 10/22/2008.
3. ON 11/04/2009, THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT IN CASE NUMBER 2009-1150 AFFIRMED THE FINAL JUDGMENT OF THE COURT OF INTERNATIONAL TRADE. THEREFORE, CENTRAL PURCHASING'S ITEM 93851 IS WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS FROM THE PEOPLE'S REPUBLIC OF CHINA
4. ON 01/29/2010, THE COMMERCE DEPARTMENT PUBLISHED IN THE FEDERAL REGISTER THE NOTICE OF THE COURT DECISION NOT IN HARMONY (75 FR 4769). IN ACCORDANCE WITH SECTION 516A OF THE TARIFF ACT OF 1930, AS AMENDED, THE EFFECTIVE DATE OF THAT NOTICE WAS 11/03/2008, 10 DAYS AFTER ENTRY OF FINAL JUDGMENT BY THE COURT OF INTERNATIONAL TRADE.

5. EFFECTIVE 11/03/2008, IN ACCORDANCE WITH SECTION 516A OF THE TARIFF ACT OF 1930, AS AMENDED, CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF HAND TRUCKS AND CERTAIN PARTS THEREOF FROM PEOPLE'S REPUBLIC OF CHINA, INCLUDING CENTRAL PURCHASING'S ITEM 93851 LISTED ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS AND CERTAIN PARTS THEREOF FROM PEOPLE'S REPUBLIC OF CHINA.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O8:LRL)).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party